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SUBJECT: IPR TRAINING FOR MEXICAN CUSTOMS AT MAZATLAN

Summary

1. (U) The Embassy, together with the Departments of Justice and Homeland Security, held a three-day training seminar on detecting, detaining, and deterring the importation of pirated and counterfeit goods for Mexican customs and law enforcement officials at the Pacific Coast Port of Mazatlan from August 20 through 22. The seminar was financed by DOJ grant money from State/INL. The course focused on the importance of inter-agency cooperation in protecting intellectual property rights at the border and land and sea ports, and in following up seizures of infringing goods with appropriate administrative and criminal investigations. An instructor from the World Customs Organization (WCO) led a discussion, describing the many resources it has available to track particular shipments and liaise with customs colleagues from other countries. An additional and innovative component to this course was the participation of the private sector, coordinated by the American Chamber of Commerce of Mexico, which featured interactive expo stands from two dozen member companies that taught the participants how to detect pirated and infringing goods. The Mexican reaction to the course was very positive, and the Embassy plans to capitalize on this success and hold similar IPR customs trainings in other key Mexican ports. End summary.

Students and Instructors

2. (U) The August 20-22 seminar was attended by 50 Mexican customs officers, the largest audience we have ever had for these programs. The group included senior and entry-level officials from the major Mexican ports of Mazatlan, Manzanillo, Veracruz, Nuevo Laredo, Lazaro Cardenas, Cancun, Ensenada, Tijuana, from Customs headquarters in Mexico City, as well as the Office of Attorney General of the Republic (PGR - or the Mexican Department of Justice) and the Mexican Institute of Industrial Property (IMPI - counterpart to the U.S. Patent and Trademark Office).

3. (U) USG course instructors consisted of an Assistant U.S. Attorney (AUSA) for the Central District of California with expertise in IP crimes (Craig Missakian), a DHS/CBP international trade specialist from the Los Angeles National Targeting and Analysis Center (Maria Trilevski), and two DHS/ICE agents - one from the U.S. Embassy in Mexico City (William Fernandez) and one from Phoenix, Arizona (Sergio Diaz). DOJ also funded the participation of Ren Lobos, a Chilean customs official affiliated with the World Customs Organization.

14. (U) Day One of the seminar was dedicated to presentations on the importance of IPR. The DOJ prosecutor outlined the importance of IP protection and enforcement (Note: Mexican Customs told ECONoffs this presentation was extremely useful since many of the young agents were new in their jobs and not familiar with basic IPR concepts. End note), followed by two roundtables featuring PGR and IMPI officials speaking on Mexican IPR law, as well as interactive sessions to explain PGR's and IMPI's respective roles in enforcing IPR at the border and the importance of cooperation with customs officials. These sessions focused on the nuts of bolts of container inspection and interagency cooperation, giving participants a clear understanding of the authority each agency has in Mexico and how they can cooperate and communicate among themselves and with the private sector. Since Mexican customs can only hold suspect goods for a limited time on their own authority, the discussion revealed the importance of communicating effectively with IMPI (to find out whether the goods in question are pirated or counterfeit, and if so, to possibly have IMPI confiscate them) and the PGR, which has the power to initiate criminal investigations. The day was also dedicated to discussing the evolving roles of the U.S. and Mexican customs agencies in protecting IPR. ICE officials highlighted the importance of bilateral cooperation in investigating illegal shipments. They also laid out a case study of how a Customs seizure led to an investigation that resulted in convictions and jail time for leaders of an organized crime syndicate. Mexican customs shared with the audience some of their recent successful cases, especially in Manzanillo, due in part to the impact these types of trainings have had on the way they now monitor shipments.

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15. (U) Day Two focused on how to follow up seizures of infringing goods with criminal investigations. PGR agents shared case studies in which effective communication and coordination with Customs concluded in criminal investigations and convictions. IMPI discussed a pilot program they are currently working on with Customs to share a database of rightholders' contacts. This pilot program started with 20 of the most pirated trademarks, but it is expected to include more once it is up and running. IMPI talked about the difficulties they are encountering in matching customs tariff classifications and taxpayers' identification numbers with IMPI's trademark registry. IMPI and Customs are working hard to overcome this technical problem. The World Customs Organization instructor discussed the information resources and international contacts available through the WCO. He also shared his experience in fighting IPR infringement in rough areas such as Paraguay and Bolivia.

AmCham involvement in Training  
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16. (U) On day three, more than 20 clothing, pharmaceuticals, cell phones, movies and music, software, and electronic devices companies, set up 12 expo stands that displayed fake and original products. Small groups of customs officials rotated through all of the expo stands, spending about 20 minutes at each. This gave them time to learn directly from the rightholders how to distinguish fake goods from original ones. The audience told us that this inter-active "Touch, See and Learn" mechanism was very useful, since when they are inspecting shipments, they usually do not have original products handy to make the comparison. The rightholders also distributed booklets to assist officials in their inspections.

Achievements and looking ahead  
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17. (U) Feedback from the Mexican attendees were very positive, particularly with respect to the heavy focus on interagency cooperation among Customs, PGR, and IMPI and the rightholder's participation in instructing how to identify infringing goods. Participants also appreciated the personal connections made among the various Mexican and U.S. agencies, which we hope will lead to more coordinated Mexican IPR enforcement efforts as well as better

bilateral cooperation in attacking cross-border flows of pirated and counterfeit products. The Embassy plans to hold more IPR customs seminars in which interagency cooperation will emphasize, and will include a variety of industries represented by the IPR committee of the American Chamber of Commerce.

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